

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

MIQUENEL ALTIDOR *et al.*,

Plaintiffs,

v.

TOMS RIVER POLICE DEPARTMENT  
*et al.*,

Defendants.

Civil Action No. 18-14834 (MAS) (LHG)

**ORDER**

This matter comes before the Court on Defendants Toms River Police Department (the “Police Department”), Township of Toms River (“Toms River”), Sergeant Edmund Mooney (“Sergeant Mooney”), Officer Matthew Crosta (“Officer Crosta”), Officer Anthony Pacella (“Officer Pacella”), and Officer Pascel Gambardella’s (“Officer Gambardella,” and collectively with the others, “Defendants”) Motion for Summary Judgment. (ECF No. 50.) Plaintiffs Miquenel Altidor (“Altidor”) and Ashley Altidor (“Ashley”) opposed (ECF No. 54), and Defendants replied. (ECF No. 57.) The Court has carefully considered the parties’ submissions and decides the matter without oral argument under Local Civil Rule 78.1. For the reasons set forth in the accompanying Memorandum Opinion and for other good cause shown,

**IT IS**, on this 21st day of November 2022, **ORDERED** as follows:

1. The Court **GRANTS** the Police Department’s Motion for Summary Judgment (ECF No. 50) as to all counts.
2. The Court **GRANTS** Defendants’ Motion for Summary Judgment (ECF No. 50) as to Counts Two, Three, Four, Six, Seven, Nine, and Twelve.
3. The Court **GRANTS** Toms River, Sergeant Mooney, Officer Crosta, and Officer Gambardella’s Motion for Summary Judgment (ECF No. 50) as to Counts One, Five, Ten, and Eleven.

4. The Court **DENIES** Officer Pacella's Motion for Summary Judgment (ECF No. 50) as to Counts One and Five. The Court further:
  - a. **DENIES** Officer Pacella's Motion for Summary Judgment (ECF No. 50) as to Count Eleven as it pertains to Altidor.
  - b. **GRANTS** Officer Pacella's Motion for Summary Judgment (ECF No. 50) as to Count Eleven as it pertains to Ashley.
  - c. **DENIES** Officer Pacella's Motion as to Count Ten pertaining to the theory of excessive force.
  - d. **GRANTS** Officer Pacella's Motion as to Count Ten pertaining to the theory of false arrest, false imprisonment, and unlawful entry.
5. The Court **DENIES** Toms River's Motion for Summary Judgment (ECF No. 50) as to Count Eight.
6. The Court **GRANTS** Toms River's Motion for Summary Judgment (ECF No. 50) as to Count Nine.

/s/ Michael A. Shipp  
**MICHAEL A. SHIPP**  
**UNITED STATES DISTRICT JUDGE**